

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Tuesday, February 18, 2003
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Pro Tem Green called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:05 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Sullivan, Coerper, Green, Cook, Houchen, Hardy (Boardman arrived at 5:35 p.m.)
Absent: None

Prior to the Study Session presentations, City Administrator Ray Silver introduced Janis Ingels, the new Director of Information Services.

(City Council) Study Session 1 of 2 Held – Presentation by Doug Traub, President of the Huntington Beach Convention and Visitor's Bureau (HBCVB) Re: Conference & Visitor's Bureau Work Program for 2003 (140.70)

David Biggs, Director of Economic Development and Doug Traub, President of the Huntington Beach Convention and Visitor's Bureau (HBCVB) provided an update of the HBCVB Work Program for 2003 and future initiatives.

Mr. Traub gave a PowerPoint presentation titled *Huntington Beach Conference and Visitors Bureau*, which was included in the agenda packet. He informed Council of the current accomplishments of the HBCVB as well as future plans in marketing Huntington Beach as a vacation destination. CVB President Traub also distributed a Late Communication which was a copy of the newly upgraded *2003 Visitors Guide*.

Mr. Traub responded to Councilmember Coerper's question regarding the hours of operation stating that due to the current staffing and funding the Visitor's Bureau is not open on weekends. He stated that they plan to recruit volunteers to provide weekend service; that this is an expected amenity even if not revenue-generating. President Traub informed Council of the development of a premier destination website to promote Huntington Beach.

Mayor Boardman thanked Mr. Traub and staff for their presentations.

(City Council) Study Session 2 of 2 Held – Presentation by Communications Director Rich Barnard Re: Current Status of City Separation from the Public Cable Television Authority (PCTA) – Staff Directed to Return With Further Report and Cost Evaluations to Council March 17, 2003 (140.60)

Communications Director Rich Barnard gave a PowerPoint report titled *Public Cable Television Authority (PCTA) A Joint Powers Authority (JPA)* that was included in the agenda packet. Mr. Barnard revised the figures on Slides 22 for Franchise Renewal Budget Fiscal Year 2002/2003 of the PowerPoint to \$131,000 and \$191,000 and adding Franchise Administration of \$65,000; and Slide 23 for Franchise Renewal Budget Fiscal Year 2003/2004 to \$136,000 and \$211,000, Consultant services \$40,000 to \$95,000 and Franchise Administration \$46,000 to \$56,000.

Communications Director Barnard stated that Councilmembers Cook and Houchen are the Council Liaisons and that Mary Morales, PCTA Executive Director was in attendance.

After the PowerPoint report included in the agenda packet was presented, considerable discussion was held between Council and Mr. Barnard regarding the need to identify the costs that would be incurred if the city separates from the PCTA, and to assess the needs of our community. Mr. Barnard informed Council that he would return to Council at a later date with further information and a more precise cost evaluation.

Mayor Boardman thanked everyone for their presentations.

Motion to Recess to Closed Session – Approved

A motion was made by Sullivan, second Coerper to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

NOES: None

ABSENT: None

City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the City is a party. The title of the litigation is Opp v. City of Huntington Beach, et al.; Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 [Opp I]; and Opp v. City of Huntington Beach, et al.; Orange County Superior Court Case No. 748927, Court of Appeals Case No. G030601 [Opp II]. **Subject: Opp v. City of Huntington Beach, et al. [Opp I and Opp II].** (120.80)

(City Council) Closed Session – To confer with its City Attorney regarding pending litigation pursuant to Government Code Section 54956.9(c). (Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.) Number of Potential Cases one. Dispute between Time-Warner and PCTA regarding nonpayment of the franchise fee on cable modem service. **Subject: Payment of Franchise Fee and Utility Tax on Cable Modem Service.** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.**City Council- Redevelopment Agency Roll Call**

Present: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

Absent: None

No Actions Taken Which Require a Reporting Pursuant to Government Code §54957.1(a) (3) (B)).

Mayor Boardman asked City Attorney McGrath if there were any actions taken by the City Council or Redevelopment Agency in Closed Session that required a reporting. City Attorney McGrath responded that there were no actions to report.

Flag Ceremony/Pledge of Allegiance – Junior Girl Scout Troop 324 from Hope View Elementary, Huntington Beach. Leader Sandy Smallshaw.

(City Council) Dedication of Council Meeting to Former Mayor Pro Tem and Councilmember Henry Duke

Mayor Boardman informed Council that this Council Meeting is dedicated to the memory of former Mayor Pro Tem and Councilmember Henry Duke who recently passed away.

Mr. Duke's son spoke of his father's accomplishments and how he had been proud to serve the City of Huntington Beach. He thanked the Council on behalf of his mother and family for the kind words and flowers.

Moment of Silence Observed

Mayor Boardman asked for a "moment of silence" in remembrance of Mr. Henry Duke, a former Councilmember and Planning Commissioner during the 1970's. The Mayor dedicated the meeting in his memory and honor.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Huntington Beach Conference and Visitors Bureau President Doug Traub submitted a 2003 *Visitors Guide* for the Study Session regarding the Visitors Bureau.

Slide show presentation received February 18, 2003 from the Administrative Services Department titled, *Review of Proposed Memorandum-of-Understanding with SCLEA*.

Communication received February 18, 2003 from Norm Westwell in favor of returning Fourth of July fireworks to the beach.

Communication received February 18, 2003 from Stephen K. Bone, President & CEO of The Robert Mayer Corporation in opposition to moving Fourth of July Fireworks to the beach.

PowerPoint presentation with amended Recommended Action titled *4th of July Fireworks – Alternative Sites for 2003* from Community Services Department.

Communication from John J. Gilbert, Senior Vice President and General Manager of the Waterfront Hilton regarding its position on the Fourth of July Fireworks relocation.

The Following Additional Late Communication Was Submitted During the Meeting

PowerPoint slide report titled *Annual Holly Seacliff Development Agreement Compliance Report*, which was presented at the meeting by the Planning Department.

Mayor's Award presentation made by Mayor Connie Boardman and Planning Director Howard Zelefsky to Herb Fauland, Senior Planner, Planning Department, for the fine work and skills he has demonstrated during his 15 years of service to the City on many important development projects. (160.40)

(City Council) Janis Ingels, Information Services Director Introduced

Mayor Boardman introduced and welcomed new Department Head Janis Ingels, the Director of Information Services.

Public Comments

Peter Albini spoke in support of moving the 4th of July fireworks display to the beach. He stated that Council should not let the past influence its decision. He gave suggestions for raising the funds for fireworks on the barge. Mr. Albini urged Council to allow an American patriotic tradition to continue. He requested approval of the Fourth of July Board's recommended action set forth in the administrative item on the agenda, which allows for fireworks on a barge at the beach.

Debbie Borden offered a prayer due to the lack of the scheduling of the Invocation on the agenda.

Chris Palmer presented Assemblyman John Campbell's position on legislation relative to the item on the agenda reimbursing cities for unfunded state mandates. Mr. Palmer referred to Assembly Bill 613, introduced by Assemblyman Campbell that would give cities the ability to eliminate any unfunded state mandates.

Lou Baker spoke in support of having the 4th of July fireworks display at the beach. Mr. Baker spoke relative to safety factors in displaying the fireworks on a barge over the water. In addition, he stated that the local businesses could use the additional revenue.

Councilmember Houchen invited the public to speak during this time at the public comments portion of the meeting regarding the Fourth of July item because this agenda item is not a public hearing item.

Public Comments Resumed

Margie Bunton, Fireworks Chair of the Fourth of July Executive Board, reviewed the possible locations for proposed firework's display and the pros and cons of each location relative to safety and cost issues. She stated that due to the wide margin of safety, it is the Fourth of July Executive Board's opinion to proceed with the option to launch the fireworks off a single barge at the beach.

Pat Steir, Chair of Fourth of July Executive Board informed Council of the two proposed options and estimated costs for the proposed Fourth of July fireworks display locations.

Norm Westwell thanked Council for its service to the community. He requested that Council consider allowing *Safe & Sane Fireworks* to be sold in the city, referring to the city's loss to neighboring cities of sales tax revenue. Mr. Westwell stated that in his opinion a majority of the community would like to have the Fourth of July fireworks at the beach and requested Council to approve the Fourth of July Executive Board's recommended action.

(City Council) Public Hearing Held – Approved Compliance Report for Annual Review of the Holly Seacliff Development Agreement No. 90-1 for the Holly Seacliff Area (Ellis/Goldenwest) (600.10)

Councilmember Cook and Councilmember Hardy recused themselves from consideration of this item due to the proximity of their residences to the property.

Mayor Boardman announced that this was the time noticed for a public hearing to consider the following:

Applicant: City of Huntington Beach Planning Department

Request: Annual review of the Holly-Seacliff Development Agreement Compliance Report.

Location: Approximately 490 acres located between Ellis Avenue on the north, Huntington Street on the east, Edwards Street on the west, and the Seacliff Golf Course on the south.

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Planning Director Howard Zelefsky presented a PowerPoint slide report titled *Annual Holly Seacliff Development Agreement Compliance Report*, which was presented at the meeting by the Planning Department.

Mayor Boardman declared the public hearing open.

Prior to announcing the public speakers, the City Clerk stated for the record the following Late Communication, which pertains to this public hearing and announced that it will be available at the City Clerk's office:

PowerPoint slide report titled *Annual Holly Seacliff Development Agreement Compliance Report*, which was presented at the meeting by the Planning Department.

Dr. Gerald Chapman stated his opinion that there has been a lack of compliance, not by PLC, but by the city, with the Holly-Seacliff Agreement relative to the completion of street improvements on the Ellis Avenue/Goldenwest Street Quartersection. Dr. Chapman stated that this project has been in the process for over 13 years and every year he has been informed by staff of various reasons why this portion of the street has not been completed.

Bill Holman, PLC Land Company Director of Planning, informed Council that PLC is ready to proceed on the Ellis Avenue/Goldenwest Street Quartersection portion of the project as soon as staff approves the final design. Mr. Holman concurred with Dr. Chapman and informed Council that the delay for the past three years has been an oil line construction, for which he provided a timeline for completion over the next few weeks.

There being no persons present to speak further on the matter and there were no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Mayor Boardman received confirmation from Public Works Director Robert F. Beardsley that the reason for the current delay is as stated by the developer, due to the oil pipeline. Director Beardsley stated that the street improvements should move forward by spring or summer of this year and that the city has funding.

A motion was made by Houchen, second Green to:

Determine that the Developer is in compliance with the Holly Seacliff Development Agreement No. 90-1 by accepting the 2002 Annual Compliance Report and authorize the Mayor and City Clerk to sign and execute the *Certificate of Development Agreement Compliance* (ATTACHMENT NO. 2) and direct the City Clerk to record said Certificate with the Orange County Recorder.

The motion carried by the following roll call vote:

AYES:	Sullivan, Coerper, Green, Boardman, Houchen
NOES:	None
ABSENT:	None
RECUSED:	Cook, Hardy

(City Council) Administrative Public Hearing Held - Adopted Resolution No. 2003-16 – Approved Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Boardman announced that this was the time noticed for an administrative public hearing to consider a request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

An Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

City Attorney Jennifer McGrath reported that her department and City Treasurer Shari Freidenrich are recommending Council to adopt Resolution No. 2003-16. She stated that this resolution would allow the city to levy against the properties that would incur penalties and would appear as an exception to the title on a title report at the time of transfer of the property. In addition, the fines will be reported to the County Tax Assessor for inclusion on the property tax bills.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Mayor Boardman declared the administrative public hearing open.

There being no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Coerper, second Cook to adopt **Resolution No. 2003-16** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations.*"

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

Consent Calendar – Items Removed for Separate Discussion

The following items were removed from the Consent Calendar for separate discussion:

(City Council) \$55,203.89 of Unclaimed Funds Over Three Years Old Per Government Code 50055 to General Fund (340.10)

(City Council) Human Relations Task Force Appointments of Gwendolyn Black, Lindsay Mingee, and Thorin Scott with Terms to Expire December 31, 2005 (110.20)

(City Council) City Council Position on Portions of the State Budget and Legislation Pending Before the State Legislature as Recommended by the City Council Intergovernmental Relations Committee (640.90)

Consent Calendar – Items Approved

On motion by Cook, second Green Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/Redevelopment Agency Regular meetings of December 16, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(City Council) Approved a Reimbursement Agreement between the City and the Orange County Sanitation District for a Temporary Fire Station Facility During Construction of the Bushard Trunk Sewer (600.25) Approved and authorized the Mayor and City Clerk to execute the *Job Number 1-2-4 Reimbursement Agreement*. Submitted by the Acting Fire Chief and the Public Works Director. Funding Source: Funds in the approximate amount of \$238,000 will be expended from the Fire Department Fire Suppression business unit. Expenditure categories will include salaries, supplies and equipment rental. Full costs will be reimbursed upon completion of the project.

(City Council/Redevelopment Agency/Public Financing Authority) Accepted Bids and Approved 1) Weeger Bros., Inc. Construction Contract and 2) Donna Billick Art Element Construction Contract for South Beach Phase II Improvement Project, CC-1169 (600.80)

Huntington Beach Public Financing Authority Actions: Authorized total expenditure of \$9,795,840 from Lease Revenue Bonds, 2001 Series A to the South Beach Improvements, Phase II Account 30187003.82200; and **Huntington Beach City Council Actions:** **1.** Accepted the lowest responsive/responsible bid submitted by Weeger Bros., Inc. in the amount of \$9,790,500, which includes the base bid and additive/ alternate items 3, 4 and 6, for South Beach Phase II, CC- 1169; **2.** Authorized the Mayor and City Clerk to execute a construction contract with Weeger Bros., Inc. in substantially the same form as the attached sample construction contract; **3.** Accepted the bid submitted by Donna Billick in the amount of \$341,340 for art element construction; **4.** Authorized the Mayor and City Clerk to execute a construction contract with Donna Billick in substantially the same form as the attached sample construction contract; **5.** Approved the redirection of Coastal Conservancy grant, and the transfer of \$2,000,000 from the Blufftop Park Erosion Protection Project to the South Beach Phase II Improvements; and **6.** Appropriated \$84,000 from Park Acquisition and Development Fund and \$290,000 from the Pier Rebuilding Fund to the project account, and

Redevelopment Agency Actions: Appropriated \$235,840 from the Redevelopment Agency unencumbered fund balance to Account No. 30581004.82200. Submitted by the Economic Development/Deputy Executive Director; the Community Services Director and the Public Works Director. Funding Source: Total of \$12,312,000 is available in the following: \$9,795,840 from Lease Revenue Bonds, 2001 Series A (includes \$9.2 million for South Beach, \$360,000 from bond savings, and \$235,840 for Beach Maintenance Facility construction cost reimbursement to Bond Revenue fund from the Redevelopment Agency), South Beach Improvements, Phase II Account; \$2,000,000 from a Coastal Conservancy Proposition 12 Grant; and \$142,160 from Proposition 13, Stormwater Quality Improvements Account. Additionally, \$84,000 from Park Acquisition and Development Fund, \$290,000 from the Pier Rebuilding Fund will be appropriated.

(City Council) Approved Use of Certified Law Clerks by the City Attorney (100.10) Authorized the City Attorney use of certified law clerks. Submitted by the City Attorney. Funding Source: Not Applicable. (The State Bar of California permits law students to be certified to perform certain functions normally performed by a licensed attorney. These functions include making court appearances and giving legal advice. All work done by the certified law students is done under the immediate supervision of an attorney. The State Bar requires that the client give permission for its attorney to use the services of certified law clerks.)

(City Council) Approved First Amendment to an Affordable Housing Agreement and Approved Affordability Fee Agreement for Shea Homes Southwest, Inc. (The Tides Project) – 77 Multi Family Units Located e/o Goldenwest Street, n/o Summit Drive

(600.10) 1. Approved the *First Amendment to Declaration of Conditions, Covenants and Restrictions for Property (Resale Restrictions)* by and between the City of Huntington Beach and Shea Homes Southwest, Inc. and authorized the Mayor and City Clerk to sign, execute and record (Attachment No. 1); and 2. Approved the *Affordability Fee Agreement* by and between the City of Huntington Beach and authorized the Mayor and City Clerk to sign and execute (Attachment No. 2). Submitted by the Planning Director. Funding Source: Not Applicable.

(City Council) Approved City Council Position on Portions of the State Budget and Legislation Pending Before the State Legislature as Recommended by the City Council Intergovernmental Relations Committee (640.90)

Councilmember Sullivan requested that this agenda item be removed from the Consent Calendar to ask staff for clarification of the Gothard Transfer Station item. Director of Public Works Robert F. Beardsley informed Council that the city is working with the county in seeking federal funding to clean up the Gothard Transfer Station and that no city money is being used for the clean up.

A motion was made by Sullivan, second Hardy to approve the following:

The City Council Intergovernmental Relations Committee has reviewed the following and is recommending that the City Council take a position as follows and authorize the Mayor to send letters to the legislators reflecting the approved positions: **Motion to: Support AB 13 (Harman)** With request to amend bill to include a requirement that property transferred under this bill include the following: 1. a deed restriction to permanently preserve and protect the land for public access and open space; and 2. a deed restriction that if the non-profit organization to which the property was transferred is to dissolve, the property title shall be transferred back to the State of California, and 3. a deed restriction that the property cannot be used as collateral or be lien against. **Oppose** - Transfers from the States 9-1-1 Appropriation as proposed in the Governor's Budget. **Authorize** - The addition of the Gothard Transfer Station to the 2003 City Funding Priorities List. **Oppose: Efforts by the National Fire Protection Association (NFPA)** to take over authority for establishing the statewide building code, and **Support: The International Code Council** as the ongoing authority in establishing these codes.

The motion carried by the following roll call vote:

AYES:	Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES:	None
ABSENT:	None

(City Council) Escheated \$55,203.89 of Unclaimed Funds Held by City Treasurer's Office Over Three Years Old Per Government Code 50055 to General Fund - Approved (340.10)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to commend City Treasurer Shari Freidenrich for her fine work. Mayor Pro Tem Green also applauded the City Treasurer for her diligent efforts.

A motion was made by Cook, second Green to review and approve the transfer of \$55,203.89 to the General Fund in compliance with Government Code Section 50055. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Approved Human Relations Task Force Appointments of Gwendolyn Black, Lindsay Mingee, and Thorin Scott with Terms to Expire December 31, 2005
(110.20)

Councilmember Coerper requested that this agenda item be removed from the Consent Calendar to recognize the proposed appointments. Mayor Pro Tem Green spoke regarding the fine qualifications of all of the applicants, stating that the applications not selected have been forwarded to other commissions.

A motion was made by Coerper, second Sullivan to approve the appointments of Gwendolyn Black, Lindsay Mingee, and Thorin Scott as recommended by City Council Liaisons Cathy Green and Gil Coerper with terms to expire December 31, 2005. The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council) Adopted Resolution No. 2003-17 Approving the Memorandum of Understanding (MOU) Between the City and the Surf City Lifeguard Employee Association for 12/21/02 through 12/31/04 (720.20)

The City Council considered a communication from the Assistant City Administrator and the Administrative Services Director requesting Council approval of the city and the Surf City Lifeguard Employees' Association entering into a new Memorandum-of-Understanding covering the period of December 21, 2002 through December 31, 2004.

William Workman, Assistant City Administrator presented a PowerPoint slide show titled *Review of Proposed Memorandum-of-Understanding with SCLEA*, which was announced earlier as a Late Communication by the City Clerk.

Councilmember Sullivan received clarification from Assistant City Administrator Workman that the three percent salary increase is open to negotiation for year 2004.

A motion was made by Cook, second Green to Adopt **Resolution No. 2003-17** - *"A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Surf City Lifeguard Employees Association and the City of Huntington Beach for 12/21/02 – 12/31/04."* The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Received and Filed Fiscal Year 2002/2003 First Quarter (October 1 through December 31, 2002) Budget Report and Adopted Recommended Actions Re: Sixty Day Hiring Freeze – Receive Transfer to General Fund to Increase Redevelopment Agency's Debt Repayment (310.20)

The City Council considered a communication from the City Administrator/Executive Director informing Council/Agency members that the first quarter (October 1, 2002 through December 31, 2002) of the city's fiscal year 2002/2003 has been completed.

Director of Administrative Services Clay Martin presented a PowerPoint slide show titled *Fiscal Year 2002/2003 - 1st Quarter Budget Report*, which was included in the agenda packet.

Discussion was held among Council and staff regarding 1) if proposed sixty day hiring freeze affects recruitment of seasonal lifeguards; 2) departments participation in ordinary and extraordinary savings; 3) uncertainty of the state budget; and 4) equipment replacement funds.

A motion was made by Cook, second Hardy to

City Council Recommended Action:

1. Receive and file fiscal year 2002/2003 First Quarter Budget Report;

and

2. Receive transfer of \$4,000,000 to the General Fund to increase the Redevelopment Agency's debt repayment to General Fund;

and

3. Authorize the City Administrator to impose a complete hiring freeze for sixty days, except for any minimum staffing requirements identified in any memorandum-of-understanding between the city and a labor association and any recruitments currently in progress.

Redevelopment Agency Recommended Action:

1. Appropriate \$4,000,000 from the Redevelopment Agency's Unreserved Undesignated Fund to increase the Redevelopment Agency's debt repayment to General Fund.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
 NOES: None
 ABSENT: None

(City Council) Denied Relocation of 4th of July Fireworks for 2003 Due to Huntington Beach High School Renovation and Cancelled the 2003 Fireworks Display (960.30)

The City Council considered a communication from Police Chief Kenneth W. Small, Acting Fire Chief Duane Olson and Community Services Director Jim Engle informing Council that an alternative site is required for the 2003 Fourth of July fireworks show because the Huntington Beach High School Stadium will be unavailable due to renovation.

Community Services Director Jim Engle presented a PowerPoint presentation with an amended Recommended Action titled *4th of July Fireworks – Alternative Sites for 2003* which had been announced earlier as a Late Communication by the City Clerk.

Considerable discussion was held between Council, Police Chief Small and staff regarding the following issues: 1) illegal fireworks on the beach; 2) time of the beach closure after the fireworks show; 3) availability of fire rings to the community; 4) if additional lighting is being considered at the beach; 5) the impact on the residents with regards to traffic; 6) police presence of two tactical squads on the beach for crowd control; 7) availability of parking; 8) trash issue; 9) the past history of local disturbances during the Fourth of July; 10) that large crowds attend the Fourth of July Parade with no incidents; 11) that other beach communities have safe and successful fireworks at the beach; and 12) the effect on overnight tourism.

Council asked Police Chief Small for his recommendation and he stated in his opinion from a public safety standpoint that controlling a large gathering on an open public beach is not recommended.

A motion was made by Green, second Coerper to:

Not approve relocation of the 4th of July fireworks offshore due to potential health and safety concerns; approve the 4th of July Executive Board's alternative action to cancel the 2003 fireworks because it has been determined that there is no viable alternative location, and begin plans for the 100th anniversary in 2004. (4th of July Executive Board Alternative Action: If the Board cannot raise funds to offset the costs of fireworks on a barge offshore by May 16, or if Council does not approve fireworks offshore, cancel fireworks for 2003 and begin planning for the 100th anniversary in 2004.)

The motion carried **to deny relocation** by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman
NOES: Cook, Houchen, Hardy
ABSENT: None

(City Council) Approved Request for Study Session to Compare Different Governing Codes of Ethics (110.40)

The City Council considered a communication from Councilmember Gil Coerper transmitting the following **Statement of Issue**: It has come to my attention that there are a number of differences between the City's Code of Ethics, the State's Code of Ethics, and some of our related city ordinances. Due to these discrepancies, I would like to request that a City Council Study Session be scheduled to review and resolve these differences.

A motion was made by Green, second Sullivan to direct staff to schedule a Council Meeting Study Session to compare the differences and similarities of the different governing Codes of Ethics.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen
NOES: None
ABSENT: None (Hardy out of room)

(City Council) Approved as Amended the Recommendations Regarding Reimbursement for Unfunded State Mandates Imposed on the City of Huntington Beach Including Request for the Mayor to Send a Letter to the League of California Cities (.)

The City Council considered a communication from Councilmember Dave Sullivan transmitting the following **Statement of Issue**: The city is burdened with costs in the hundreds of thousands of dollars because of programs mandated by the State of California for which there is no reimbursement. This same action by the state where mandated costs are imposed on cities, counties, and other local governments without financial reimbursement is a major cost to the operation of these agencies. I believe that it is necessary to have the City of Huntington Beach clearly identify the financial impact of these impositions and request reimbursement from the state of California through our state representatives. Lastly, we should ask the League of California Cities and the California State Counties Association, through our county supervisor, to do the same.

Discussion between councilmembers resulted in amending the proposed recommended actions to: 1) include federal (along with state) mandated programs in non-reimbursed list; 2) support (rather than introduce) AB613 legislation and 3) consider (rather than initiate) litigation against the state for any unfunded mandates.

A motion was made by Sullivan, second Coerper to:

1. Direct **as amended** staff to develop a list of all non-reimbursed state **and federal** mandated programs and directives;

and

2. Direct **as amended** the Mayor to send letters to Senator Ross Johnson and Assemblyman Tom Harman requesting that they **support** legislation **AB 613** to eliminate unfunded mandates on local government or provide financial reimbursement;

and

3. Authorize **as amended** the Mayor to send a letter to the League of California Cities requesting that they negotiate elimination of or reimbursement for state mandated costs or **consider** litigation against the state for any unfunded mandates.

The motion carried by the following roll call vote:

AYES: Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
 NOES: None
 ABSENT: None

(City Council) Announcement Made of Kiwanis Easter Egg Hunt/Fingerprint Booths (.)

Mayor Pro Tem Green announced Kiwanis Annual Easter Egg Hunt where there will be three fingerprint booths for children.

(City Council) Miss Huntington Beach Contestant Winners Recognized (.)

Councilmember Hardy announced the Miss Huntington Beach contestant winners.

Adjournment – City Council/Redevelopment Agency

Mayor Boardman adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to an adjourned regular meeting on Friday, February 21, 2003, at 12:30 p.m. for closed session, followed by open session in Rooms C & D, Central Library, 7111 Talbert Avenue, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City
Council of the City of Huntington Beach
and Clerk of the Redevelopment Agency
of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman